
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION (L) NO. 3047 OF 2026**

Purushottam Pitumal Tejwani & Anr. ...Petitioners

Versus

Divya Jyot Projects LLP & Ors. ...Respondents

ALONG WITH

COMMERCIAL ARBITRATION PETITION (L) NO. 10695 OF 2026

Mehul Vishanji Gala ...Petitioner

Versus

Divya Jyot Projects LLP & Ors ...Respondents

Mr. Sharan Jagitani, Senior Advocate a/w Mr. Tushar Gujjar, Mr. Deepak Singh for the Petitioner in CARBP No.3047 of 2026.

Mr. Ranjeev Carvalho, a/w Bhakti Rane, for Petitioners in CARBP (L)No.10695 of 2026 and Respondent No.2 to 4 in CARBP (L) No.3047 of 2026, for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 24 , 2026

ORDER :

1. Commercial Arbitration Petition (L) No. 3047 of 2026 (“***Petition 3047***”) is a Petition filed by the land owner impugning an order dated January 1, 2026 passed by the Learned Sole Arbitrator

dealing with the interlocutory application made by the Petitioner under Section 17 of the Arbitration and Conciliation Act, 1996 (“*the Act*”).

2. Commercial Arbitration Petition (L) No. 10695 of 2026 (“*Petition 10695*”) is a petition filed by parties to whom units in the project developed by the Developer, who is Respondent No.1 in Petition 3047 have been sold. These parties are Respondent Nos. 2 to 4 (“*Transferees*”) in Petition 3047.

3. In the Arbitration proceedings, the Transferees sought to be deleted from the array of parties, which has been rejected and interim relief granted to the land owner affects the Transferees’ right of enjoyment of the subject properties. The Transferees impugn the grant of such relief in Petition 10695.

4. Today the immediate concern raised by the land owner is that the units in the hands of the Transferees, for which an Occupation Certificate is also obtained, should ideally be put to economic use instead of letting them remain un-utilized. Mr. Sharan Jagtiani on behalf of the landowner suggests that the properties may be exploited by way of lease and license agreements with third parties, so that the units do not lie waste, and the income generated may abide by the outcome of the proceedings.

5. Mr. Ranjeev Carvalho, on behalf of the Transferees submits that the Transferees may be permitted to utilize their properties on commercial terms, the economic benefits of which may be secured for abiding by the outcome of the Arbitral Tribunal. This is strongly opposed by Mr. Jagtiani on the ground that such intervention would undermine the very basis of the interim relief already considered appropriate.

6. Both these suggestions fairly fall within the domain of the Learned Arbitral Tribunal as further supplementary interlocutory arrangements that the parties desire to pursue. However, all parties have consensus that final hearing on the other facets of their respective grievances would need to be agitated and that would take more time than warranted in the residual term of this roster.

7. Considering there are only about nine working days left on this side of the vacation, the parties have consensus that the matter be stood over beyond vacation, with only an urgent intervention for economic utilisation of the units being considered at this stage.

8. The parties are granted liberty to make and pursue such applications before the Learned Arbitral Tribunal. The Learned Arbitral Tribunal having been seized of the matter and being aware of the

relative strength of the parties' respective positions, would be best placed to deal with appropriate interlocutory arrangements, including the requests from the land owner and the Transferees.

9. Stand over to ***June 24, 2026*** by consent.

10. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[**SOMASEKHAR SUNDARESAN, J.**]